THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27656 OF 2005

Dt.27.12.2005

Between:

M/s.Srilakshmi Srinivasa Wines

Rep. by Authorised Person,

D.Somasekhara Rao

… Petitioner

And

The Commissioner of Prohibition and Excise,

Andhra Pradesh, Hyderabad … Respondent

ORDER:

This writ petition has been filed to declare the action of the respondent in not disposing the applications for T.T.Ps (through transport permit) under Rules 15 and 16 of the Andhra Pradesh Excise (Import, Export and Transport of Indian Liquor and Foreign Liquor-Permits) Rules, 2005 (for short 'the Rules') within a reasonable time, as arbitrary and illegal.

The petitioner submits that it holds a wholesale and retail licence for dealing in Indian and Foreign Liquor issued by the Government of Pandicherry. Since a T.T.P (through transport permit) is required for transportation of Indian and Foreign liquor including beer through the State of Andhra Pradesh from any other State to destination outside the State, the petitioner made an application to the respondent under Section 15 for issuance of T.T.P. However, the respondent did not issue the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondent.

Appropriate decision has to be taken by the respondent in accordance with law in disposing of the applications for T.T.Ps under Rules 15 and 16 of the Rules. As per Rule 16(3), a Prohibition and Excise Officer authorized by the Commissioner of Prohibition and Excise after making such enquiry as he may considered necessary and on being satisfied that the excise duty on the Indian liquor and Foreign liquor to be transported has been paid, may issue a transport permit.

The learned Government Pleader for Prohibition and Excise seeks two days time for considering the applications by the authorities.

Accordingly, the writ petition is disposed of directing the respondent to take appropriate decision on the applications of the petitioner within two days from the date of receipt of a copy of this order. No costs.

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(V.ESWARAIAH, J.)

27.12.2005

Note: Issue copy by tomorrow.

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